

REMARKS

Claims 1-8, 10-24, 26-40, and 42-49 are pending in the application. In the final Office Action dated March 9, 2007, the Examiner made the following disposition:

- A.) Provisionally rejected claims 1, 2, 17, 18, 33, and 34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, and 22 of U.S. 10/690,951.
- B.) Rejected claims 1-3, 6-8, 10-11, 17-19, 22-24, 26-27, 33-35, 38-40, 42-43, and 49 under 35 U.S.C. §102(e) as being anticipated by *Atallah, et al. (U.S. 2004/0054946)* (“*Atallah*”).
- C.) Objected to claims 4, 5, 12-16, 20, 21, 28-32, 36-37, and 44-48.

Applicant respectfully traverses the rejections and addresses the Examiner’s disposition below. Claim 3, 4, 19, 20, 35, and 36 have been canceled. Claims 1, 5, 6, 17, 21, 22, 33, 37, 38, and 49 have been amended.

- A.) Provisional rejection of claims 1, 2, 17, 18, 33, and 34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, and 22 of U.S. 10/690,951:

The Examiner argues that claims 1, 2, 17, 18, 33, and 34 are provisionally rejected as obvious based on claims 1, 11, and 22 of co-pending U.S. patent application no. 10/690,951. Applicant respectfully disagrees with the rejection.

Claims 1, 17, and 33, each as amended, each claim subject matter that is not claimed in claims 1, 11, and 22 of U.S. 10/690,951. For example, U.S. 10/690,951 fails to claim calculating a risk level using the formula $\text{risk level} = \text{exposure level} * \text{confidence level} / \text{a mitigating factor}$, where the mitigating factor is a value associated with the computer-based system. For at least this reason, claims 1, 17, and 33 are not rendered obvious by claims 1, 11, and 22 of U.S. 10/690,951.

Claims 2, 18, and 34 depend directly or indirectly from claims 1, 11, or 33 and are therefore allowable for at least the same reasons that claims 1, 11, and 33 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 1-3, 6-8, 10-11, 17-19, 22-24, 26-27, 33-35, 38-40, 42-43, and 49 under 35 U.S.C. §102(c) as being anticipated by *Atallah, et al. (U.S. 2004/0054946)* ("*Atallah*"):

Applicant respectfully disagrees with the rejection.

Applicant respectfully acknowledges the Examiner's finding of allowable subject matter in claims 4, 20, and 36.

Claim 1 has been amended to include the subject matter of claims 3 and 4. Claim 17 has been amended to include the subject matter of claims 19 and 20. Claim 33 has been amended to include the subject matter of claims 35 and 36. Claim 49 has been amended to include subject matter similar to that claimed in claims 3 and 4.

Therefore, independent claims 1, 17, 33, and 49, each as amended, are allowable over *Atallah*.

Claims 2, 6-8, 10-11, 18, 22-24, 26-27, 34, 38-40, and 42-43 depend directly or indirectly from claims 1, 17, or 33 and are therefore allowable for at least the same reasons that claims 1, 17, and 33 are allowable.

Claim 3, 19, and 35 have been canceled.

Claims 6, 22, and 38 have been amended to correct informalities.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Objection of claims 4, 5, 12-16, 20, 21, 28-32, 36-37, and 44-48:

Applicant respectfully acknowledges the Examiner's finding of allowable subject matter in claims 4, 5, 12-16, 20, 21, 28-32, 36-37, and 44-48.

Claim 1 has been amended to include the subject matter of claims 3 and 4.

Claim 17 has been amended to include the subject matter of claims 19 and 20.

Claim 33 has been amended to include the subject matter of claims 35 and 36.

Claim 49 has been amended to include subject matter similar to that claimed in claims 3 and 4.

Claims 5, 12-16, 21, 28-32, 37, and 44-48 depend directly or indirectly from claims 1, 17, or 33 and are therefore allowable for at least the same reasons that claims 1, 17, and 33 are allowable.

Claim 4, 20, and 36 have been canceled.

Claims 5, 21, and 37 have been amended to correct informalities.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 2, 5-8, 10-18, 21-24, 26-34, 37-40, and 42-49 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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